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★ JUL 8 - 2013 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

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ANDREA R. BROWN,

Plaintiff,

NOT FOR PUBLICATION
MEMORANDUM & ORDER
12-CV-00544 (CBA) (LB)

- against -

JPMORGAN CHASE BANK, N.A.,

Defendant.

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AMON, Chief United States District Judge.

On February 1, 2012, plaintiff Andrea R. Brown, proceeding pro se, commenced this action against defendant JPMorgan Chase Bank, N.A. pursuant to the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C., § 12101 et seq. By Order dated December 28, 2012, this Court afforded Brown thirty (30) days to amend her complaint, directing her specifically to address the issues of timeliness with respect to her charge with the Equal Employment Opportunity Commission ("EEOC") and the filing of this lawsuit. (DE #17.) In response to the Court's Order, Brown, on January 24, 2013, filed a letter entitled "Granted Leave to File Amended Complaint" that sought to address the timeliness issues in her complaint. (DE #18.) On February 4, 2013, defendant submitted a letter challenging Brown's submission as unresponsive and requesting that the Court dismiss the action in its entirety. (DE # 19.) The Court referred the matter to Magistrate Judge Lois Bloom for report and recommendation.

On April 10, 2013, Magistrate Judge Bloom issued a Report and Recommendation ("R&R") recommending that the Court (1) dismiss all claims except for Brown's claim that defendant retaliated against her by opposing her application for unemployment insurance benefits; and (2) if the R&R is adopted, direct defendant to file an answer to Brown's retaliation claim within ten (10) days.

No party has objected to the R&R and the time for doing so has passed. When deciding whether to adopt a R&R, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). To accept those portions of the R&R to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks and citation omitted). The Court has reviewed the record and, finding no clear error, hereby adopts Magistrate Judge Bloom’s R&R as the opinion of the Court.

Accordingly, the Court grants defendant’s motion to dismiss with respect to all claims except for Brown’s claim that defendant retaliated against her by opposing her application for unemployment insurance benefits. The Court further directs defendant to file an answer to Brown’s retaliation claim within ten (10) days of the date of this Order.

SO ORDERED.

Dated: Brooklyn, New York
July 3, 2013

s/Carol Bagley Amon

Carol Bagley Amon
Chief United States District Judge